



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,659	09/30/2003	David L. Chavez	4366-157	8989
48500 7590 03/26/2008 SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202				
EXAMINER NGUYEN, HANH N				
ART UNIT 2616		PAPER NUMBER		
MAIL DATE 03/26/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/676,659

**Applicant(s)**

CHAVEZ ET AL.

**Examiner**

Hanh Nguyen

**Art Unit**

2616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 1/25/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-7, 12, 14, 15, 17-19, 21, 22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-7, 12, 14, 15, 17-19, 21, 22, 25-28 is/are rejected.
- 7) ☒ Claim(s) 4 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/21/08; 1/30/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claim 28 recites the limitation "features associated with a communication channel" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 28, it is not clear on line 6 whether "features associated with a communication channel" is referred to "features associated with a communication channel" on line 3 ?

Further, there is a lack of antecedent basis on line 9 and 10 because it is not clear whether " a first communication channel" on line 9 and " a first communication channel" on line 10 are identical.?

Further, is " a communication channel" on line 19 referred to " a communication channel " on line 17 ?

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7, 12, 14, 15, 17-19, 21, 22, 25-27 are rejected under 35 USC 103(a) as being unpatentable over Forlenza et al. ( US pat. 6,665,375 B1) in view of Erb ( US pat. 6,504,922 B1).

In claims 1, 12, 19, Forlenza et al. et al. discloses a method for maintaining call state information ( see col.1, lines 5-10 and abstract; method for providing call state information to callers) comprising generating in a first call controller (see fig.10, server 134) call state information (see fig.10; step 1002, col.12, lines 20-40; a new call status is received at server); creating at least a first file containing a representation of at least some of said generated first call state information (see fig.10, step 1004, col.12; lines 20-30; save call state information associated with appropriate client); providing said at least a first file to a first client ( fig.10, steps 1008 & 1012; col.12, lines 30-40; sending the call state to client); and storing said at least a first file on said first client ( fig.9, step 910; col.12, lines 1-10; shows a client which monitors for a new call status and logs call status event in a local storage 526 as shown in fig.5). The call state includes ringing, busy signals ( see abstract and col.1, lines 42-50). Florlenza discloses establishing a call signaling channel between the said first call controller and said first client ( see col.7, lines 15-22; caller at telephone 104 attempts to make a call to server 134).

Florlenze does not disclose losing said call signaling channel; generating in said client a request for service from a second call controller; and providing said a first file from said first client to said second call controller.

Erb discloses, in abstract, fig.1, lines2, lines 40-50; a telephone 4000 establishes a call with a main controller 1. In an event of a loss of communication

between the main controller 1 and telephone 4000 via peripheral 3, (see col.2, lines 40-52; establishing a call between said first call controller and said first client ; losing said call signaling); the backup call service manager 6 receives request for service from telephone device 4000 (see abstract; col. 2, line 66 to col.3, line 3; generating in said first client a request for service from a second call controller); and the backup call manager 6 instantiates a local device handler 7 to receive the request from telephone device via path B, and determine existing state of the telephone device (see col.3, lines 7-14; providing said at least first file from said first client to said second call controller). Since Florlenza discloses in col.6, lines 50-54, there are a plurality of servers 134,

Therefore, it would have been obvious to one skilled in the art to apply the teachings of backup call service manager 6 of Erb into Florlenze to restore a failed call by establishing the call to a backup call manger and providing said call state from client to the second call manager.

In claim 28, Forlenza et al. et al. discloses first means for controlling features associated with a communication channel ( see fig.10, step 1002 and fig.1; server 134 determines whether a new call status is received associated with a client); first communication client means, wherein said first communication client means is a communication endpoint (see fig.1, client 138; col.7, lines 10-25); means for ( switch 106; fig.1; col.7, lines 17-25) interconnecting said first means ( server 134; fig.1) for controlling to said first communication client means ( switch 106 receives and transmits call status codes to server 134 which sends the call status to client 138); and means for storing in said first communication client communication channel state information

related to a first communication channel, wherein first channel state information is stored in said means for storing ( storing call status in a local storage 525 as shown in fig.5; see col.12, lines 2-12).

In claim 7, Forlenza et al. et al. discloses establishing a call between said first client and a second client (see fig.1; col.3, lines 48-65; establishing a call between a telephone 104, client 138 and a recipient at another telephone device).

In claims 15, 17 and 21, Forlenza et al. discloses the first communication endpoint comprises an IP telephone ( see fig.1, col.6, lines 40-65; client 138 is a personal computer connected to IP network 132 via TCP/IP protocol).

In claim 18, Forlenza et al. discloses real-time protocol call controller (see col.6, lines 40-50, server 134 is connected to IP network 132, services client 138 by retrieving call status in realtime; see col.7, lines 15-25).

In claim 5, Forlenza et al. discloses a first file including most recent call state information ( see see claim 1; and fi.10, step 1002, new call state is received at server).

In claim 29, the limitation of this claim has been addressed in claims 1, 19 and 28.

In claims 6, 14, 22, 25, 26, 27 and 31 Dalgic et al. discloses, in fig.1, a second communication endpoint ( a recipient at another telephone device; col.3, lines 47-55), wherein said call state information is related to a communication channel established between said first and second communication endpoints(see col.3, lines 55-65; "ringing signals"( first call state) is displayed if the recipient answers the telephone or

Art Unit: 2616

"disconnected" status ( second call state ) is displayed if the recipient hangs up the telephone).

***Allowable Subject Matter***

Claims 4, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 5-7, 12, 14, 15, 17-19, 21, 22, 25-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nix et al. ( Us Pat. 7,145,900 B2);

Levy ( US Pat. 6,937,873 B2);

Benedyk et al. ( US Pat. 7,227,927 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2616